

REMARKS

Applicants appreciate the Examiner's thorough consideration provided in the present application. Claims 1 and 8 are currently pending in the instant application. Claims 1 and 8 have been amended. Claims 2-7 and 9-13 have been cancelled. Claims 1 and 8 are independent. Reconsideration of the present application is earnestly solicited.

Specification

Applicants have provided a replacement Abstract of the Disclosure as requested by the Examiner. However, Applicants submit that these non-narrowing amendments have not been made responsive to any statutory grounds of rejection advanced by the Examiner.

Drawings

Applicants would appreciate the Examiner's acknowledgment of acceptance of the drawings filed on November 13, 2001.

Priority

Applicants appreciate the Examiner's indication of acceptance of the priority documents filed on November 13, 2001.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 6 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Burke, Jr. (U.S. Patent No. 4,364,000). This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicants respectfully submit that all of the rejections have been obviated and/or rendered moot. Without conceding the propriety of the Examiner's rejection, but merely to expedite the prosecution of the present application, Applicants have cancelled claims 2-7 and 9-14. Accordingly, the rejection to claims 6 and 7 has been rendered moot.

With respect to claim 1, Applicants submit that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention. For example, Burke, Jr. fails to teach or suggest the unique combination of limitations of the claimed invention, including the limitation(s) of: "a first winding coil being wound on a first winding part; a second winding coil being wound on a second winding part; a

rotary bar combined with the rotational shaft; and a coil spring connected to the rotary bar so as to control the rotation of the rotor at a predetermined angle.” Applicants submit that a stator having first and second windings has not been taught or suggested in the prior art of record. Since the Burke, Jr. reference does not appear to teach these features, Applicants respectfully request clarification by the Examiner as to what elements constitute the first and second windings of the stator in the Burke, Jr. reference if this rejection is maintained in any form. Accordingly, this rejection should be withdrawn.

As identified by the Examiner in the Office Action, Burke, Jr. clearly does not teach or suggest the rotary bar of claim 1. Accordingly, this rejection should be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 2-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Burke, Jr. (U.S. Patent No. 4,364,000) in view of Brooks et al. (U.S. Patent No. 5,061,107) and Brum et al. (U.S. Patent No. 6,441,517). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Burke, Jr. in view of Applicant’s conventional art figure. Claims 9-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Burke, Jr.

in view of Applicant's conventional art figure 2, and further in view of Brooks et al. and Brum et al. These rejections are respectfully traversed.

In light of the foregoing amendments to the claims, Applicants submit that this rejection has been obviated and/or rendered moot. Specifically, Applicants submit that the alleged combination of the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention. For example, Brooks et al. has been alleged to teach or suggest the rotary bar of the claimed invention. However, Applicants submit that the flexible elements 22, 24 attached to the sleeves 18, 20 in the Brooks et al. pivot device do not appear to be a rotary bar. Further, the alleged rotary bar of Brooks et al. is clearly not provide "*a rotary bar combined with the rotational shaft; and a coil spring connected to the rotary bar so as to control the rotation of the rotor at a predetermined angle.*" (emphasis added) Accordingly, this rejection should be withdrawn.

In addition, Applicants have not admitted that the entirety of the subject matter shown in FIG. 2 of the present application qualifies as prior art under 35 U.S.C. § 102. Accordingly, this rejection is improper. In addition, Applicants submit that Applicants' own analysis of the problems relating to the conventional art may not be used as a basis for the Examiner's reconstruction

of the prior art of record, e.g., the discussion occurring on pages 1-4 of the present application. Accordingly, this rejection should be withdrawn.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.


In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

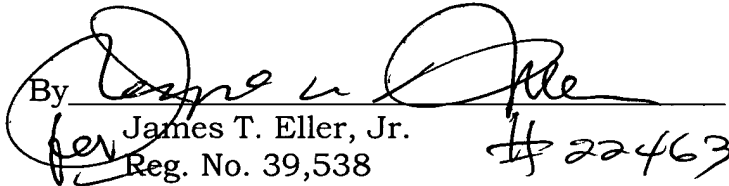
Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for two-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **\$420.00** is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP


JTE/MTS/cl

By 
James T. Eller, Jr.
Reg. No. 39,538
P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000
22463